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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,365	01/25/2002	Renatus Josephus Van Der Vleuten	PHNL 010056	8040

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

MIZRAHI, DIANE D

ART UNIT	PAPER NUMBER
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2175

DATE MAILED: 06/04/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/059,365

Examiner

DIANE D. MIZRAHI

Applicant(s)

HOLTROP, MATHILDE H.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2002.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6.

- DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100
4) ☐ Interview Summary (PTO-837)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

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III. DETAILED ACTION.

Claims 1-14 are presented for Examination.

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in The Hague on 4-10-01 on. It is noted, however, that applicant has not filed a certified copy of the 01200332.3 application as required by 35 U.S.C. 119(b).

Specification

The disclosure is objected to because of the following informalities:

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)

- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35

U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "mutually varying degrees of significance" in claims 1, 11 and 13 is a relative term which renders the claim indefinite. The term "* mutually varying degrees of significance ** is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For examination purposes, Examiner will interpret "mutually varying degrees of significance" as data.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiroyuki Fujita (US Patent No. 5,819,290 and Fujita hereinafter).

Regarding Claims 1, 11 and 13, Fujita teaches a method for storing data items on a data carrier provided with a file system using sectors, the method comprising: providing a data file

(col 1, lines 49-65) representing a data item (i.e. file name)
(col 1, lines 49-65), the data file being composed of blocks (col 1, lines 49-65) of mutually varying degrees of significance (i.e. data) (col 1, lines 49-65), wherein said blocks are of a length corresponding to a length of a sector of said data carrier (i.e. sizes of blocks) (col 1, lines 49-65), evaluating available sectors and present data files on said data carrier, if the available sectors (i.e. division) (col 1, lines 49-65) on said data carrier suffice for containing said data file then storing said data file on said data carrier (col 1, lines 49-65), if the available sectors on said data carrier do not suffice for containing said data file then removing blocks of present data files (i.e. moving means) (col 1, lines 49-65) from said data carrier based on the significance of the respective blocks and consequently storing at least part of said data file on said data carrier (col 1, lines 49-65), and updating (i.e. data block is instructed to the second block movement unit 136 until it becomes suitable) (col 11, lines 43-60) the file system to take into account the storing of the blocks of the new data file and the removing of the blocks of present data files (col 1, lines 49-65 ; see col 1, lines 65-67 to col 2, lines 1-30).

Regarding Claim 2, Fujita if the available sectors on said

data carrier do not suffice for containing said data file then removing blocks of present data files from said data carrier based on the significance of the respective blocks (i.e. moving means) (col 1, lines 49-65) and discarding at least one of said data file blocks based on the significance of said blocks (i.e. accomplished by the empty area fragmentation unit #135 and Figure 2 and Figure 8) and consequently storing the remaining blocks of said data file on said data carrier (Figure 2, #11).

Regarding Claim 3, Fujita wherein the data file is provided by converting the data item into the data file by a scalable compression method (i.e. reduce the number of fragments) (col 8, lines 29-40).

Regarding Claim 4, Fujita composing an auxiliary memory file with data file identification information, including significance information, for respective data files stored on said data carrier (col 6, lines 57-63) (i.e. Figure 2, #100, and 112).

Regarding Claim 5, Fujita teaches auxiliary memory file on said data carrier (col 6, lines 57-63).

Regarding Claim 6, Fujita teaches wherein the step of evaluating available sectors (col 1, lines 49-65) and present data files on said data carrier includes reading said auxiliary memory file (col 6, lines 57-63).

Regarding Claim 7, Fujita teaches updating (i.e. reduce the number of fragments) (col 8, lines 29-40) said auxiliary memory file (col 6, lines 57-63) after alterations of the content of said data carrier (Figures 9A-9C).

Regarding Claim 8, Fujita teaches wherein said auxiliary memory file is stored on the data carrier as a hidden file (i.e. decreasing) (col 4, lines 3-11).

Regarding Claim 9, Fujita teaches converting a given data item into a data file composed of successive blocks of decreasing significance (i.e. decreasing) (col 4, lines 3-11), wherein said blocks are of a length corresponding to a length of a sector of said data carrier (i.e. decreasing) (col 4, lines 3-11).

Regarding Claim 10, Fujita teaches removing blocks of present data files from said data carrier by truncation of selected data files present on said data carrier (Figures 9A-C).

Regarding Claims 12-14, the limitations of these claims are similar in scope to the rejected claims above. Therefore these claims are rejected as set forth above.

Other Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diane D. Mizrahi whose telephone number is (703) 305-3806. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on (703) 305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9000 for regular communications and (703) 305-9000 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9001.



Diane D. Mizrahi
Primary Patent Examiner
Technology Center 2100

May 18, 2004